

REMARKS/ARGUMENTS

In the Examiner's June 7, 2005 Office Action, the Examiner rejected claims 31, 33, 40 and 48-50 pending in the application. This response amends claims 31 and 48 for consideration. After entry of the foregoing amendments, claims 31, 33, 40 and 48-50 (2 independent claims; 6 total claims) remain pending in the application. Reconsideration is respectfully requested.

Applicants acknowledge the Examiner's withdrawal of the rejection of claims 31, 33, 40 and 48-50 under 35 U.S.C. §102(a) as being anticipated by Nelson in view of the Declaration of Allan L. Beiber previously filed by Applicants.

The Examiner first rejected claims 31, 33, 40 and 48-50 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter of the invention. In particular, the Examiner stated that a problem exists with Applicants' amended claims because of the juxtaposition of the transitional phrase "comprising" with the phrase "using only mass spectrometric analysis". However, the Examiner further stated that the issue could be resolved by amending claims 31 and 48 to recite "wherein analyzing and quantifying comprises using matrix-assisted laser desorption/ionization (MALDI) to resolve distinct signals for said analyte and said IRS to determine the ratio of the analyte to the IRS signal." In response to the Examiner's rejection, Applicant has amended the claims accordingly.

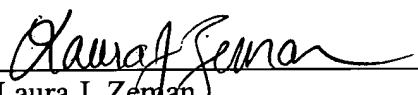
The Examiner has also maintained her rejection of claims 31, 33 and 40 under 35 U.S.C. §102(b) as being anticipated by Gaskell and Brownsey, Gaskell, Bonfanti or Davoli for the reasons of record previously set out. In particular, the Examiner states that Applicants' amended claims read on methods that contain other purification steps, or contain a derivitization step, because Applicants' claimed methods are drawn to a method "comprising" the steps recited in the claims. The Examiner further points out that Applicants' claim amendments which recite "using only mass spectrometric analysis" fail to obviate the rejection because the amendment to the claims renders the claims indefinite. The Examiner also stated that the phrase "only mass spectrometric analysis" does not preclude a preliminary purification step or preparation step. However, the Examiner stated that this issue could be resolved by amending claim 31 to recite "wherein analyzing and quantifying comprises using matrix-assisted laser desorption/ionization (MALDI) to resolve distinct signals for said analyze and said IRS to determine the ration of the analyte signal to the IRS signal." In that Applicants have already made this amendment in

response to the Examiner's 35 U.S.C. §112, second paragraph, rejection, Applicants believe the Examiner's 35 U.S.C. §102(b) rejection is now moot.

The Examiner also rejected claims 31, 33, 40 and 48-50 under 35 U.S.C. §102(b) as being anticipated by Lisek for the reasons of record set out in the Examiner's previous Office Action. However, like the Examiner's rejection of claims 31, 33 and 40 under 35 U.S.C. §102(b) as being anticipated by Gaskell and Brownsey, Gaskell, Bonfanti, or Davoli, the Examiner also states that this current rejection based on the Lisek reference could be resolved by amending claims 31 and 48 to recite "wherein analyzing and quantifying comprises using matrix-assisted laser desorption/ionization (MALDI) to resolve distinct signals for said analyte and said IRS to determine the ratio of the analyte signal to the IRS signal." In that Applicants have already amended the claims to include this recitation, Applicants believe the Examiner's rejection of claims 31, 33, 40 and 48-50 under 35 U.S.C. §102(b) is now moot.

In view of the foregoing, Applicants respectfully submit that all of the pending claims fully comply with 35 U.S.C. §112 and are allowable over the prior art of record. Reconsideration of the application and allowance of all pending claims is earnestly solicited. Should the Examiner wish to discuss any of the above in greater detail or deem that further amendments should be made to improve the form of the claims, then the Examiner is invited to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,

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